

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF HAWAII

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4 HAWAII CHILDREN'S BLOOD AND ) CV 03-00708 SOM-LEK  
CANCER GROUP, )  
5 ) Honolulu, Hawaii  
Plaintiff, ) January 19, 2006  
6 vs. ) 2:15 P.M.  
7 )  
HAWAII PACIFIC HEALTH, et al., ) Various Motions  
8 )  
Defendants. )  
\_\_\_\_\_)

9 TRANSCRIPT OF PROCEEDINGS  
10 BEFORE THE HONORABLE SUSAN OKI MOLLWAY  
UNITED STATES DISTRICT JUDGE

11 APPEARANCES:

12 For the Plaintiff: RAFAEL G. DEL CASTILLO  
ARLEEN D. JOUXSON-MEYERS  
13 Jouxson-Meyers & del Castillo  
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14 Honolulu, HI 96786

15 For the Defendants: KENNETH S. ROBBINS  
LEIGHTON M. HARA  
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18 Official Court Reporter: Debra Kekuna Chun, RPR, CRR  
19 United States District Court  
300 Ala Moana Blvd. Ste. C285  
20 Honolulu, HI 96850  
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24 Proceedings recorded by machine shorthand, transcript  
25 produced with computer-aided transcription (CAT).

1 the dispositive motion cutoff, but your motion to dismiss  
2 isn't based on any expert. It's just based on the  
3 existing state court case.

4 MR. ROBBINS: Exactly.

5 THE COURT: And that has nothing to do with  
6 whatever expert reports there may be or not be in terms of  
7 your just wanting not to have to have this case around or  
8 going anyway while you're waiting for the state court  
9 trial. So, you know, I'm kind of inclined to say, no, I'm  
10 not going to modify the Rule 16 on the record in front of  
11 me, but that doesn't affect whether the stay should be  
12 extended. I'm kind of inclined to say I'll strike the  
13 motion to dismiss portion of the pending motion but not  
14 the motion to stay portion, even though the motion to  
15 dismiss or motion to stay is really not on my calendar.  
16 If you guys don't mind, I'm just going to go ahead and  
17 stay the case until after the state court trial.

18 And then, if there are dispositive motions that  
19 someone wants to bring, then they have to move again to  
20 amend the Rule 16, and at that time we'll see whether  
21 there's good cause to move the Rule 16 for some motion to  
22 dismiss other than the one that's in front of me now,  
23 which, you know, is based on an existing state court trial  
24 date, which, although it wasn't known to me to be in June  
25 2006, seems to have been known to the parties; so that

1 stay the case is withdrawn. Nevertheless, the stay is  
2 extended, and the new trial date is October 3 at nine  
3 o'clock. There will be a new order that you'll get in the  
4 mail with the deadlines that begin about a month before  
5 the trial date with when your final pretrial statement is  
6 due and then, you know, all the many things between your  
7 final pretrial statement and the trial date.

8 Other than that, the dispositive motions cutoff  
9 has passed but is subject to being reopened upon a new  
10 motion to modify the dispositive motions cutoff, but it  
11 must be based on occurrences between today and the date of  
12 filing of that new motion to modify. Those are not  
13 limited to expert witness issues. Anything that happens  
14 between now and when you seek to reopen the dispositive  
15 motions cutoff can be the basis of such a motion to  
16 modify.

17 The discovery cutoff in this case is congruent  
18 with the discovery cutoff in your state case sometime  
19 before June 5th.

20 Does all of that make -- I'm asking really my  
21 courtroom manager if she can tell me that she's -- I'm  
22 going to get a royal tongue lashing.

23 MR. ROBBINS: That all makes sense, Your Honor.  
24 Not the royal tongue lashing, but everything you said  
25 before that makes sense.

1 COURT REPORTER'S CERTIFICATE

2 I, Debra Kekuna Chun, Official Court Reporter,  
3 United States District Court, District of Hawaii, do  
4 hereby certify that the foregoing is a correct transcript  
5 from the record of proceedings in the above-entitled  
6 matter.

7 DATED at Honolulu, Hawaii, February 23, 2006.

8

9 /s/ Debra Chun

10 DEBRA KEKUNA CHUN

11 RPR, CRR

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